

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

SHANNON PEREZ; HAROLD DUTTON, JR.  
GREGORY TAMEZ; SERGIO SALINAS;  
CARMEN RODRIGUEZ; RUDOLFO ORTIZ;  
NANCY HALL and DOROTHY DEBOSE

Plaintiffs

-and-

EDDIE BERNICE JOHNSON; SHEILA  
JACKSON-LEE and ALEXANDER GREEN;  
MEMBERS OF THE UNITED STATES  
CONGRESS

-and-

TEXAS LEGISLATIVE BLACK CAUCUS,  
TEXAS HOUSE OF REPRESENTATIVES

-and-

TEXAS STATE CONFERENCE OF NAACP  
BRANCHES; HOWARD JEFFERSON,  
JUANITA WALLACE and REV. BILL LAWSON

Plaintiff-Intervenors

v.

STATE OF TEXAS; RICK PERRY, in his official  
capacity as Governor of the State of Texas;  
DAVID DEWHURST, in his official capacity as  
Lieutenant Governor of the State of Texas;  
JOE STRAUS, in his official capacity as Speaker  
of the Texas House of Representatives;  
HOPE ANDRADE, in her official capacity as  
of  
Secretary of State of the State of Texas

Defendants

CIVIL ACTION NO.  
11-CA-360-OLG-JES-XR  
[Lead case]

MEXICAN AMERICAN LEGISLATIVE  
CAUCUS, TEXAS HOUSE OF  
REPRESENTATIVES (MALC)

Plaintiffs

-and-

THE HONORABLE HENRY CUELLAR,  
Member of Congress, CD 28; THE TEXAS  
DEMOCRATIC PARTY and BOYD RICHIE,  
in his official capacity as Chair of the Texas  
Democratic Party; and LEAGUE OF UNITED  
LATIN AMERICAN CITIZENS (LULAC)  
and its individually named members

Plaintiff-Intervenors

v.

STATE OF TEXAS; RICK PERRY, in his  
official capacity as Governor of the State of  
Texas; DAVID DEWHURST, in his official  
capacity as Lieutenant Governor of the State  
of Texas; JOE STRAUS, in his official capacity  
as Speaker of the Texas House of Representatives

Defendants

CIVIL ACTION NO.  
SA-11-361-OLG-JES-XR  
[Consolidated case]

TEXAS LATINO REDISTRICTING TASK  
FORCE, JOEY CARDENAS, ALEX JIMENEZ,  
EMELDA MENENDEZ, TOMACITA  
OLIVARES, JOSE OLIVARES, ALEJANDRO  
ORTIZ and REBECCA ORITIZ

Plaintiffs

v.

RICK PERRY, in his official capacity as  
Governor of the State of Texas

Defendants

CIVIL ACTION NO.  
SA-11-CA-490-OLG-JES-XR  
[Consolidated case]

MARGARITA V. QUESADA; ROMEO  
MUNOZ; MARC VEASEY; JANE  
HAMILTON; LYMAN KING; JOHN  
JENKINS, DEBBIE ALLEN, SANDRA  
PUENTE, JAMAAL SMITH, KATHLEEN  
MARIA SHAW,

Plaintiffs

v.

RICK PERRY, in his official capacity as Governor  
of the State of Texas; and HOPE ANDRADE,  
in her official capacity as Secretary of the State  
of the State of Texas

Defendants

CIVIL ACTION NO.  
SA-11-CA-592-OLG-JES-XR  
[Consolidated case]

JOHN T. MORRIS

Plaintiff

v.

STATE OF TEXAS; RICK PERRY, in his official  
capacity as Governor of the State of Texas; DAVID  
DEWHURST, in his official capacity as Lieutenant  
Governor of the State of Texas; JOE STRAUS,  
in his official capacity as Speaker of the Texas  
House of Representatives; and HOPE ANDRADE,  
in her official capacity as Secretary of State  
of the State of Texas

Defendants

CIVIL ACTION NO.  
SA-11-CA-615-OLG-JES-XR  
[Consolidated case]

EDDIE RODRIGUEZ, MILTON GERARD  
WASHINGTON, BRUCE ELFANT, ALEX  
SERNA, SANDRA SERNA, BETTY F. LOPEZ,  
DAVID GONZALEZ, BEATRICE SALOMA,  
LIONOR SOROLA-POHLMAN; ELIZA  
ALVARADO; JUANITA VALDEZ-COX;  
JOSEY MARTINEZ; NINA JO BAKER;  
TRAVIS COUNTY and CITY OF AUSTIN

|   |   |                     |
|---|---|---------------------|
| Plaintiffs  | ) |                     |
|   | ) |                     |
| v.  | ) | CIVIL ACTION NO.    |
|   | ) | SA-11-CA-635        |
|   | ) | [Consolidated case] |
| RICK PERRY, in his official                       | ) |                     |
| capacity as Governor of the State of Texas; DAVID | ) |                     |
| DEWHURST, in his official capacity as Lieutenant  | ) |                     |
| Governor of the State of Texas; JOE STRAUS,       | ) |                     |
| in his official capacity as Speaker of the Texas  | ) |                     |
| House of Representatives; and HOPE ANDRADE,       | ) |                     |
| in her official capacity as Secretary of State    | ) |                     |
| of the State of Texas; STATE OF TEXAS;            | ) |                     |
| BOYD RICHIE, in his official capacity as Chair    | ) |                     |
| of the Texas Democratic Party; and STEVE          | ) |                     |
| MUNISTERI, in his official capacity as Chair of   | ) |                     |
| the Republican Party of Texas                     | ) |                     |
|   | ) |                     |
| Defendants  | ) |                     |

QUESADA PLAINTIFFS' DESIGNATION OF POTENTIAL WITNESSES,  
TESTIFYING EXPERTS, AND LIST OF PROPOSED EXHIBITS

Pursuant to this Court's August 1, 2011 Order, the Plaintiffs Margarita Quesada, *et al.*, hereby designate their potential witnesses, testifying experts, and list of proposed exhibits. Since discovery is ongoing, the Quesada plaintiffs reserve the right to supplement the listing of witnesses and exhibits.

POTENTIAL WITNESSES

1. Plaintiff Marc Veasey, 8224 Longfellow Lane, Fort Worth, TX 76120
2. Dr. Allan J. Lichtman, Professor, American University, Washington, DC
3. Dr. Michael McDonald, Professor, George Mason University, Fairfax, VA
4. State Senator Rodney Ellis, inadequacy of the redistricting process in TX Legislature
5. State Senator Royce West, inadequacy of the redistricting process in TX Legislature and alternative plans offered in Legislature
6. State Rep. Richard Raymond, impact of plans on Latino voters and inadequacy of the redistricting process in TX Legislature
7. State Senator Mario Gallegos, impact of plans on Latino voters and inadequacy of the redistricting process in TX Legislature

8. Representative Burt R. Solomons, District 65 Texas House of Representatives Redistricting Committee
9. Kel Seliger, Texas Senate Select Committee on Redistricting
10. Doug Davis, Staff Member for Lt. Gov. Dewhurst: drew maps on behalf of the Lieutenant Governor
11. Gerardo Interiano, Counsel to Speaker Strauss who drew redistricting maps and consulted with Republican Congressional members and staff
12. Republican Members of the Texas Congressional Delegation
13. Those persons listed by Plaintiffs Perez *et al.*, MACL; Latino Redistricting Task Force *et al.*, LULAC *et al.*, Cuellar, Rodriguez *et al.*, Morris *et al.*, and all persons listed by all Defendants.

### TESTIFYING EXPERTS

The following persons are hereby designated as testifying experts by Plaintiffs Margarita Quesada, *et al.*:

1. Dr. Allan J. Lichtman  
Professor of History  
American University  
Washington DC
2. Dr. Michael McDonald  
Associate Professor of Government and Politics  
George Mason University  
Fairfax, VA  
and  
Senior Fellow at the Brookings Institution  
Washington, DC  
This 8th day of August, 2011.

The reports from these testifying excerpts are being filed and served with this designation.

LIST OF PROPOSED EXHIBITS

| <u>Ex.</u><br><u>No.</u> | <u>Description of Exhibit</u>   |
|--------------------------|---|
| 1                        | Expert Witness Report of Dr. Allan J. Lichtman  |
| 2                        | Expert Witness report of Dr. Michael McDonald   |
| 3                        | TX Senate - Hearing Excerpts Regarding Congressional Redistricting<br>June 3, 2011<br><a href="http://www.senate.state.tx.us/avarchive/ramav.php?ram=00005467">Jun 03 - Senate Select Committee on Redistricting (Part I)</a><br><a href="http://www.senate.state.tx.us/avarchive/ramav.php?ram=00005468">Jun 03 - Senate Select Committee on Redistricting (Part II)</a> |
| 4                        | TX Senate - Hearing Excerpts Regarding Congressional Redistricting -<br>June 6 2011<br><a href="http://www.senate.state.tx.us/avarchive/ramav.php?ram=00005472">http://www.senate.state.tx.us/avarchive/ramav.php?ram=00005472</a>  |
| 5                        | Links to full Congressional Redistricting Hearings and Floor discussion<br>for Texas House and Texas Senate   |
| 6                        | Congressional Redistricting Timeline  |
| 7                        | Rodney Ellis Letter to DOJ, dated July 5, 2011  |
| 8                        | NAACP - 111 Congress Score  |
| 9                        | NHLA - 108th Congress   |
| 10                       | Congressional Maps Sail Out Of House Redistricting On Party Line Vote<br>(Quorum Report, June 9, 2011)  |
| 11                       | Hispanic Redistricting Task Force Says Three of the New Congressional<br>Districts Should Be Hispanic-Opportunity<br>(Quorum Report, April 7, 2011)   |
| 12                       | HK- Is It Appropriate For House Redistricting To Meet Out Of Cameras<br>Sight (Quorum Report, April 18, 2011)   |
| 13                       | House Redistricting Committee Hears From Unhappy Constituencies<br>(Quorum Report, April 15, 2011)  |
| 14                       | King Seeks To Bypass Obama DOJ with Texas Redistricting Plans<br>(Quorum Report, April 7, 2011)   |
| 15                       | Seliger Challenged On Source for His Map (Quorum Report, June 3, 2011)  |
| 16                       | Seliger- No Senator Has Yet Asked For a Congressional District (Quorum<br>Report, May 4, 2011)  |
| 17                       | The Eyes of Texas Could Be Upon Next House (Quorum Report, June 7,<br>2011)   |

- 18 Veasey Proposes Congressional Map Creating Three New Minority  
Opportunity Districts(Quorum Report, May 26, 2011)
- 19 2011 Proposed Congressional Districts - CD 6
- 20 2011 Proposed Congressional Districts - CD 9
- 21 2011 Proposed Congressional Districts - CD 9 - AA Shading Map
- 22 2011 Proposed Congressional Districts - CD 9 - Black + Hisp Shading Map
- 23 2011 Proposed Congressional Districts - CD 9 - Hisp Shading Map
- 24 2011 Proposed Congressional Districts - CD 12
- 25 2011 Proposed Congressional Districts - CD 12 - Black Shading Map
- 26 2011 Proposed Congressional Districts - CD 12 - Black + Hisp Shading  
Map
- 27 2011 Proposed Congressional Districts - CD 12 - Hisp Shading Map
- 28 2011 Proposed Congressional Districts - CD 18
- 29 2011 Proposed Congressional Districts - CD 18 - AA Shading Map
- 30 2011 Proposed Congressional Districts - CD 18 - Black + Hisp Shading  
Map
- 31 2011 Proposed Congressional Districts - CD 18 - Hisp Shading Map
- 32 2011 Proposed Congressional Districts - CD 26
- 33 2011 Proposed Congressional Districts - CD 26 - Black Shading Map
- 34 2011 Proposed Congressional Districts - CD 26 - Black + Hisp Shading  
Map
- 35 2011 Proposed Congressional Districts - CD 26 - Hisp Shading Map
- 36 2011 Proposed Congressional Districts - CD 29
- 37 2011 Proposed Congressional Districts - CD 29 - Black + Hisp Shading  
Map
- 38 2011 Proposed Congressional Districts - CD 29 - Black Shading Map
- 39 2011 Proposed Congressional Districts - CD 29 - Hisp Shading Map
- 40 2011 Proposed Congressional Districts - CD 30
- 41 2011 Proposed Congressional Districts - CD 30 - AA + Hisp Shading Map
- 42 2011 Proposed Congressional Districts - CD 30 - AA Shading Map
- 43 2011 Proposed Congressional Districts - CD 30 - Hisp Shading Map
- 44 2011 Proposed Congressional Districts - CD 33
- 45 2011 Proposed Congressional Districts - CD 33 - Black + Hisp Shading  
Map
- 46 2011 Proposed Congressional Districts - CD 33 - Black Shading Map
- 47 2011 Proposed Congressional Districts - CD 33 - Hisp Shading Map
- 48 2011 Proposed Congressional Districts - CD 23

- 49 2011 Proposed Congressional Districts - CD 23 - Black Shading Map
- 50 2011 Proposed Congressional Districts - CD 23 - Hisp Shading Map
- 51 2011 Proposed Congressional Districts - CD 23 – Bexar County - Black Shading Map
- 52 2011 Proposed Congressional Districts - CD 23 – Bexar County - Hisp Shading Map
- 53 2011 Proposed Congressional Districts - CD 23 – El Paso - Black Shading Map
- 54 2011 Proposed Congressional Districts - CD 23 – El Paso - Hisp Shading Map
- 55 2003 Benchmark Congressional Districts - CD 23
- 56 2003 Benchmark Congressional Districts - CD 23 - Black Shading Map
- 57 2003 Benchmark Congressional Districts - CD 23 - Hisp Shading Map
- 58 2003 Benchmark Congressional Districts - CD 23 – Bexar County - Black Shading Map
- 59 2003 Benchmark Congressional Districts - CD 23 – Bexar County - Hisp Shading Map
- 60 2003 Benchmark Congressional Districts - CD 23 – El Paso - Black Shading Map
- 61 2003 Benchmark Congressional Districts - CD 23 – El Paso - Hisp Shading Map
- 62 The GOP's big Texas gerrymander (Washington Post, June 2, 2011)
- 63 Bad plan (Houston Chronicle, June 7, 2011)
- 64 GOP redistrict map hijacks Latino voters – by State Senator Carlos Uresti (Corpus Christi, Friday, June 10, 2011)
- 65 Editorial: Legislature's new congressional maps still fail voters (Dallas Morning News, June 14, 2011).

Respectfully submitted,

GERALD H. GOLDSTEIN  
Goldstein, Goldstein and Hilley  
310 S. St. Mary's Street  
29th Floor Tower Life Bldg.  
San Antonio, Texas 78205  
Phone: (210) 852-2858  
Fax: (210) 226-8367



/s/ J. Gerald Hebert  
J. GERALD HEBERT  
D.C. Bar #447676  
Attorney at Law  
191 Somerville Street, #405  
Alexandria, VA 22304  
Telephone: 703-628-4673  
Email: hebert@voterlaw.com

PAUL M. SMITH  
D.C. Bar #358870  
MICHAEL B. DESANCTIS  
D.C. Bar #460961  
JESSICA RING

AMUNSON

D.C. Bar #497223  
CAROLINE D. LOPEZ  
D.C. Bar #989850  
Jenner & Block LLP  
1099 New York Ave., N.W.

Washington, D.C. 20001  
Tel: (202) 639-6000  
Fax: (202) 639-6066

JESSE GAINES  
TX Bar No. 07570800  
PO Box 50093  
Ft Worth, TX 76105  
(817) 714-9988

Attorneys for QUESADA Plaintiffs

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 8<sup>th</sup> day of August, 2011, I served a copy of the foregoing Motion for A Stay of Proceedings And to Postpone Trial on counsel who are registered to receive NEFs through the CM/ECF system. All attorneys who have not yet registered to receive NEFs have been served via first-class mail, postage prepaid and addressed as follows:

David Escamilla  
Travis County Asst. Attorney  
P.O. Box 1748  
Austin, TX 78767

Joaquin Guadalupe Avila  
P.O. Box 33687  
Seattle, WA 98133

John K. Tanner  
John Tanner Law Office  
3743 Military Rd. NW  
Washington, DC 20015

Karen M. Kennard  
City of Austin Law Department  
PO Box 1088  
Austin, TX 78767-1088

/s/ J. Gerald Hebert  
J. Gerald Hebert